

REMARKS/ARGUMENTS

The Office Action mailed January 5, 2005 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 28, 29, 30, 33 and 36 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 15, lines 9-15, page 21, lines 6-13, and page 40, lines 11-20. The text of claims 2-10, 12-27, 31, 32, 34 and 35 is unchanged, but their meaning is changed because they depend from amended claims.

Claim 11 has been canceled, without prejudice or disclaimer of the subject matter contained therein.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

The 35 U.S.C. § 102 Rejection

Claims 30-36 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Challenger et al.¹. This rejection is respectfully traversed.

¹ U.S. Patent 6,026,413

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.²

Challenger does not teach or suggest "examining dependency data located inside the data page to determine if the data page depends on said data source " as claimed in claim 30 as amended.

Challenger teaches storing dependency data for various cached web pages in a separate data structure (a dependence graph, see col. 9, lines 1-37). The dependency data is not stored inside the data page for which it is trying to determine if a dependency exists. This feature is described in the Specification, page 15, lines 9-15, page 21, lines 6-13, and page 40, lines 11-20, and elsewhere, where it is described that the dependency data may be defined by special dependency XML tags, for example, stored within the dynamic web page. As such, Challenger fails to teach this element of claim 30.

Claims 33 and 36 contain elements similar to that of claim 30, and thus Applicant respectfully submits that these claims are also in condition for allowance.

² Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As to dependent claims 31-32 and 34-35 the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The First 35 U.S.C. § 103 Rejection

Claims 1, 2, 8, 9, 12, 13, 21, 22 and 27-29 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schloss et al.³ in view of Challenger, among which claims 1, 28 and 29 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.⁴

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Schloss except that Schloss does not teach receiving an event, determining if said event changes one of said page dependency data associated with said page data; and updating the cache by refreshing or deleting said data page if said event changes one of the page dependency data associated with said data page.⁵ The Office Action further contends that Challenger teaches these elements and that it would be obvious to one having ordinary skill

³ U.S. Patent 6,249,844

⁴ M.P.E.P. § 2143.

⁵ Office Action Pages 5-7.

in the art at the time of the invention to incorporate Challenger into Schloss in order to cache web objects. Applicant respectfully disagrees for the reasons set forth below.

Neither Schloss nor Challenger teach or suggest "receiving a data page, wherein the data page includes page dependency data that contains one or more dependencies such that each dependency indicates an underlying data source which said data page is dependent on" as claimed in claim 1 as amended.

Schloss teaches an improvement to caching of web pages by splitting off segments of a web page to be stored independently. Thus, rather than caching the entire web page, for example, the system need only cache the static elements. Then a description list of the fragments for an object may then be stored in a separate table (see col. 5, line 66 through col. 6, line 15). Thus, even if one were to accept that the description list of the fragments contains dependency data (which Applicant is not admitting), the dependency data would still be stored in a located separate from the web page, and thus the data page would not include the dependency data as claimed in claim 1 as amended.

As described above, Challenger teaches maintaining a data structure (a data dependency graph) to store dependency data separate from the cached web pages. Hence, it would also fail to teach or suggest "receiving a data page, wherein the data page includes page dependency data that contains one or more dependencies such that each dependency indicates an underlying data source which said data page is dependent on" as claimed in claim 1 as amended. As such, Applicant respectfully maintains that claim 1 is in condition for allowance.

Claims 28 and 29 contain elements similar to that of claim 1, and thus Applicant maintains that these claims are also in condition for allowance.

As to dependent claims 2, 8, 9, 12, 13, 21, 22 and 27, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 3-7, 10, 14-20 and 26 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schloss et al. in view of Challenger, and in further view of Batchelder et al.⁶. This rejection is respectfully traversed.

As to dependent claims 3-7, 10, 14-20 and 26, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Third 35 U.S.C. § 103 Rejection

Claim 23 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schloss et al. in view of Challenger, and in further view of Arlitt et al.⁷. This rejection is respectfully traversed.

As to dependent claim 23, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

⁶ U.S. Patent 6,351,767

⁷ U.S. Patent 6,272,598

The Fourth 35 U.S.C. § 103 Rejection

Claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schloss et al. in view of Challenger, and in further view of Bourne et al.⁸. This rejection is respectfully traversed.

As to dependent claims 24 and 25, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

⁸ U.S. Patent 6,584,548

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: _____

4/5/05



Marc S. Hanish
Reg. No. 42,626

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040